In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-47050 of 2007

.....

Date of decision:18.10.2007

Deep Chand

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. N.K. Sanghi, Advocate for the petitioner.

.....

S.S. Saron, J. (Oral)

The petitioner seeks quashing of the FIR No.17 dated 16.4.2007 registered at Police Station State Vigilance Bureau, Gurgaon for the offences under Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988.

The FIR in the case has been registered on the complaint of Rajesh Kumar who has alleged that he does labour work and his brother's wife (Bhabhi) Anokhi had purchased a plot in Bawal from Smt. Sarita for a sum of Rs.2,05,000/-. The registry of the purchase was to be attested by the Naib Tehsildar Deep Chand (petitioner) on 16.4.2007. Sat Narain, Deed Writer has arranged a meeting of the complainant Rajesh Kumar with the petitioner about two days earlier to 16.4.2007. As per the allegations, the petitioner had asked the complainant to pay Rs.3,000/- on 16.4.2007 to Sat Narain and his registry would be attested. The complainant asked the Deed Writer Sat Narain as to why such an excessive amount is being charged. The latter replied that 1% was to be given as bribe to the petitioner. The

other employees were also to be paid the bribe money. The complainant reported the matter to the Vigilance Bureau. On 16.4.2007, DSP Jagdish Parshad of the State Vigilance Bureau, Gurgaon along with Inspector Ram Phal, ASI Surender Singh, HC Vikram and two Constables went in a government jeep driven by Divender Singh and in government van driven by Joginder Singh Constable. At about 3.00 p.m. an application was presented by Rajesh Kumar regarding the demand of bribe for Rs.3,000/- for executing the registry by Sat Narain, Deed Writer and Naib Tehsildar Deep Chand. From the application a cognizable offence was made out and senior officers were informed. On the receipt of the writing in the Police Station, the FIR was registered.

Learned counsel for the petitioner has submitted that there are fixed days for performing duties as Sub-Registrar between the Tehsildar and the Naib Tehsildar. The petitioner is the Naib Tehsildar. On the first and third weeks of the month the registration of deeds is done by the Tehsildar while on second and fourth weeks of the month the petitioner does the registration. On 16.4.2007, which is the alleged date fell in the third week of the month and the registration for the said week was to be done by the Tehsildar and not by the petitioner. It is submitted that there was no occasion for the petitioner to have demanded the alleged amount of Rs.3,000/- for execution/attestation of the registry relating to the complainant Rajesh on 16.4.2007. In fact, even in the Police proceedings, it has been mentioned that the petitioner was not available in the Tehsil Bawal on 16.4.2007 and had gone to disburse the amount of compensation to the farmers for their damaged crops. It is also submitted that the deed, the

registration of which was sought by the complainant Rajesh Kumar was not scribed by Sat Narain, the alleged Deed Writer but has been drafted by Shri Narender Kumar Lakhera, Advocate on 16.4.2007. It is submitted that despite the clear position, the Police is not cancelling the FIR.

During the course of hearing, it is not disputed that the investigations in the case are still being conducted and final report (challan) has not been filed in Court. In the circumstances, keeping in view the fact that the investigations are still pending, it would be improper for this Court to interject at this stage. It is well known that the field of investigation is the domain of the Police and the investigating authorities and the Courts seldom interfere in the said field. It is not shown by the petitioner that the investigating agency has transgressed the circumscribed limit of the jurisdiction or have acted illegally or arbitrarily which would warrant interference by this Court in exercise of its inherent powers.

In the circumstances, the petitioner may raise his grievance as has been raised in the present case before the investigating authorities and it is for them to consider the same in accordance with law.

Consequently, the present petition is premature and is accordingly dismissed at this stage.

October 18, 2007. **(S.S. Saron)**
Judge

hsp